

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49775 of 2026

Arising Out of PS. Case No.-94 Year-2023 Thana- BASOPATTI District- Madhubani

1. Akhileshwar Thakur Son of Late Ramcharit Thakur Resident of Village- Jasso, Ward No. 1, P.S.- Basopati, District- Madhubani
2. Amrendra Thakur Son of Late Lakshmeshwar Thakur Resident of Village- Jasso, Ward No. 1, P.S.- Basopati, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivam, Advocate Mr. Ajay Kumar Thakur, Advocate Mr.Purushuttam Kumar, Advocate Mr. Ramakant Sharma, Advocate
For the Opposite Party/s :		Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 341,307, 324, 325, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean and the informant alleges that on 26.04.2023 at 09:00 PM, seven named accused persons including the petitioners intercepted him near a temple and on orders of Jitendra, petitioners tried to strangulate by a towel, thereafter Jitendra with butt of pistol assaulted him causing injury on head, thereafter petitioner No. 1 assaulted by rod causing fracture of hand and Nagendra assaulted Rishikesh by *farsa* causing injury on head and repeated the blow causing injury on arm, further Sanjeev



and Abhinav assaulted informant and Rishikesh by an iron rod and Md. Habib snatched his chain.

4. Learned counsel appearing on behalf of the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner No.1 is alleged to have assaulted the informant by rod causing injury on head and with respect to petitioner No. 2, it is alleged that Nagendra took the farsa from him and thereafter, assaulted Rishikesh, as such, there is no specific allegation of assault against the petitioner No.2, it is further submitted that no doubt injury suffered by informant and Rishikesh has been opined to be grievous in nature, but then petitioners are not alleged to have assaulted Rishikesh rather petitioner No. 1 is alleged to have assaulted informant by rod causing injury on hand and Jitendra assaulted the informant by butt of pistol causing injury on head and the injury on head has been opined to be grievous, it is further submitted that Jitendra along with Md. Habib had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 59111 of 2023 and the same came to be allowed by an order 03.10.2023 passed by a learned Co-Ordinate Bench, it is also submitted that police after investigation submitted final form in favour of the petitioners exonerating them of the allegation, but based on protest cognizance came to be taken, it is thus submitted that when one



investigating agency after threadbare investigation came to a considered conclusion that petitioners are innocent, whether it would be prudent for the Court to send the petitioners to jail based on an order of cognizance.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioners.

6. Considering the submissions and taking into consideration the order dated 03.10.2023 in Criminal Miscellaneous No. 59111 of 2023, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Basopatti P.S. Case No. 94 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. The application stands allowed.

(Satyavrat Verma, J)

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